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Letter dated 18 January 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit the views of the Islamic Republic of Iran on the second report of the Secretary-General on the implementation of Security Council resolution 2231 (2015), contained in document S/2016/1136, as follows:

1. The Islamic Republic of Iran reaffirms its principled position, including its certain reservations, with respect to the involvement of the Security Council in Iran's nuclear programme as reflected in the annex to document S/2015/550.

2. The second report continues to disregard the letter and spirit of the Joint Comprehensive Plan of Action (JCPOA) and even contradicts resolution 2231 (2015) for the reasons elaborated in my letter dated 17 July 2016 (S/2016/626). This report indicates that the Secretariat is distancing itself from the expressed intent of the Security Council to make a fundamental shift in its consideration of Iran's nuclear issue by persisting in the old biased attitude against Iran.

3. Misinterpretation of the mandate given by the Security Council through the note by the President of the Security Council (S/2016/44), once again, has led to a report exclusively focused on annex B to resolution 2231 (2015), except for paragraph 13 of the report, which elaborates on the fulfilment of Iran's JCPOA nuclear-related commitments. The first sentence of paragraph 2 of the report states, "In the same resolution, the Security Council requested that I submit a report on the provisions contained in annex B to resolution 2231 (2015) every six months." This statement reflects an incorrect understanding of the source and scope of the mandate that the Secretariat received from the Council. The note by the President of the Security Council (S/2016/44), in its paragraph 7, mandated the Secretary-General to "report to the Security Council every six months on the implementation of resolution 2231 (2015)", which consists of its main text plus its annexes A and B. Accordingly, the report of the Secretary-General should cover the resolution in its entirety, including its annex A, containing the JCPOA. No report on the implementation of resolution 2231 (2015) could be considered complete and balanced in the absence of reporting on its annex A. The proposal by six individual countries in annex B to resolution 2231 (2015), proposing that "the Security Council ask the Secretary-General to report to the Security Council on the implementation of these provisions every six months", could not be considered a

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mandate for the Secretary-General's report. We urge the Secretariat to respect its reporting mandate, as clearly set forth in paragraph 7 of the note by the President of the Council (S/2016/44).

4. The Secretariat, in paragraph 7 of the report, sought the opportunity to examine the seized weapons "in order to corroborate the information provided and independently ascertain the origin of the shipments". A similar line is repeated in paragraph 29. It implies that the Secretariat assumes itself to be entitled to investigate and draw conclusions on alleged actions inconsistent with the resolution. There is no basis for such an assumption in the note by the President of the Security Council, and the Secretariat's offer goes far beyond its mandate and its expertise. As a reminder, all relevant subsidiary bodies established pursuant to Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) dissolved when those resolutions were terminated on the Implementation Day of the JCPOA, and no replacements were established. Any attempt, direct or indirect, to re-establish identical entities or revive revoked functions is contrary to the text and context of resolution 2231 (2015). In the same vein, the Secretariat, surprisingly, makes references to the aforementioned terminated resolutions in footnote 3.

5. The second sentence of paragraph 17 is not consistent with the text of the decision reached by the JCPOA Joint Commission on transferring procedures. Moreover, paragraphs 9 and 19 of the report do not conform to the exact terms of the resolution. Such inconsistency might be misleading.

6. It is not acceptable that the Secretariat includes a detailed account of unsubstantiated information and false allegations in the report. I request that you put in place clear measures and procedures to avoid the inclusion of unauthenticated information with a view to thwarting attempts by certain countries to advance their biased political agenda, which does not help the smooth implementation of the JCPOA.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative